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12 *USB Technologies, LLC,*

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 USB Technologies, LLC, a California ) Case No. 2:15-cv-04802  
16 limited liability company, )  
17 Plaintiff, ) **COMPLAINT FOR PATENT**  
18 v. ) **INFRINGEMENT AND**  
19 ) **PERMANENT INJUNCTION**  
20 B&H Foto & Electronics Corp. d/b/a )  
21 B&H Photo Video; and DOES 1 through )  
22 5, Inclusive, )  
23 Defendants. )  
24 )  
25 )  
26 )  
27 )  
28 )

1 Plaintiff USB Technologies, LLC, ("USB Technologies"), by and through its  
2 undersigned counsel, for its Complaint against Defendant B&H Foto & Electronics  
3 Corp. d/b/a B&H Photo Video ("B&H"); and Does 1-5 (collectively, "Defendants")]  
4 makes the following allegations. These allegations are made upon information and  
5 belief.

6 **JURISDICTION AND VENUE**

7 1. This is an action for patent infringement arising under the patent laws of  
8 the United States, including 35 U.S.C. §§ 271, 281, and 283-285.

9 2. This Court has subject matter jurisdiction over this action pursuant to 28  
10 U.S.C. §§ 1331 and 1338(a) because it arises under United States Patent law.

11 3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c).  
12 On information and belief, Defendants are subject to this Court's personal jurisdiction  
13 in that the acts and transactions complained of herein include the import and sale of  
14 infringing goods, identified herein, through the State of California and specifically in  
15 this District. Furthermore, Defendants' sales transactions are initiated nationwide  
16 over the Internet, including sales targeted to the State of California and this District,  
17 thereby purposefully availing themselves of the benefits of the state.

18 **THE PARTIES**

19 4. USB Technologies is a limited liability company organized under the  
20 laws of the State of California and has an office and principal place of business at 35  
21 Hugus Alley, Suite 210 Pasadena, California 91103.

22 5. Upon information and belief, B&H Foto & Electronics Corp. is a  
23 corporation having a place of business at 420 9<sup>th</sup> Avenue, New York, New York  
24 10001.

25 6. The true names and capacities, whether individual, corporate or  
26 otherwise of the Defendants named herein as DOES 1 through 5, inclusive, are  
27 unknown to Plaintiff, who therefore sues Defendants by such fictitious

1 names. Plaintiff will ask leave of Court to amend this Complaint and insert the true  
2 names and capacities of said Defendants when the same have been ascertained.

3 7. Plaintiff is informed and believes and, upon such, alleges that each of the  
4 Defendants designated herein as “DOE” are allegedly responsible in some manner for  
5 the events and happenings herein alleged, and that Plaintiff’s damages as alleged  
6 herein were proximately caused by such Defendants.

7 **FACTS**

8 8. USB Technologies is the owner, by assignment, of U.S. Patent No.  
9 7,809,866 (“the ‘866 Patent”), which was duly and legally issued on October 5, 2010  
10 by the United States Patent and Trademark Office. A copy of U.S. Patent No.  
11 7,809,866 is attached to this complaint as **Exhibit A**.

12 9. The claims of the ‘866 Patent are valid and enforceable.

13 10. The Defendants sell and offer to sell the General Mobile Technology  
14 Company (“GMobi”) iStick Lightning to USB flash drive products in various sizes,  
15 including 8 GB, 16 GB, 32 GB, 64 GB and 128 GB (“GMobi iStick Product Family”).

16 11. The GMobi iStick Product Family are double interface Lightning to USB  
17 flash memory drives. The GMobi iStick Product Family comprises a first transmission  
18 interface, a circuit board with a microprocessor and a plurality of flash memory. The  
19 GMobi iStick Product Family comprises a first bus interface to perform a signal  
20 transmission and a second bus interface circuit different from the flash memory card.  
21 The GMobi iStick Product Family also contains interface detection and switching  
22 circuit, for switching to the first interface circuit or the second interface circuit based  
23 on an initializing signal generated from the system interface circuit. The  
24 microprocessor within the GMobi iStick Product Family switches to the right  
25 interface, determining and supporting a connection action automatically based on the  
26 type of system interface circuit detected.

27 12. Each of the products in the GMobi iStick Product Family infringe on the  
28 claims of the ‘866 patent, including, but not limited to claim 1.

1       13. Defendants sell and offer to sell to consumers the GMobi iStick Product  
2 Family over a worldwide website, [www.bhphotovideo.com](http://www.bhphotovideo.com), without regard to the  
3 patent rights of USB Technologies. A copy of an offer for sale of the GMobi iStick  
4 Product Family on the B&H website, is attached herewith as **Exhibit B**.

5       14. The Defendant(s) sell(s) and offer(s) to sell the Photofast i-FlashDrive  
6 HD and i-FlashDrive Evo Lightning to USB flash drive products in various sizes,  
7 including 16 GB, 32 GB, and 64 GB (“i-FlashDrive Product Family”).

8       15. The i-FlashDrive Product Family are double interface Lightning to USB  
9 flash memory drives. The i-FlashDrive Product Family comprises a first transmission  
10 interface, a circuit board with a microprocessor and a plurality of flash memory. The i-  
11 FlashDrive Product Family comprises a first bus interface to perform a signal  
12 transmission and a second bus interface circuit different from the flash memory card.  
13 The i-FlashDrive Product Family also contains interface detection and switching  
14 circuit, for switching to the first interface circuit or the second interface circuit based  
15 on an initializing signal generated from the system interface circuit. The  
16 microprocessor within the i-FlashDrive Product Family switches to the right interface,  
17 determining and supporting a connection action automatically based on the type of  
18 system interface circuit detected.

19       16. Each of the products in the i-FlashDrive Product Family infringe on the  
20 claims of the ‘866 patent, including, but not limited to claim 1.

21       17. Defendants, buy, sell and offer to sell to consumers the i-FlashDrive  
22 Product Family over a worldwide website, <http://www.bhphotovideo.com/>, without  
23 regard to the patent rights of USB Technologies. A copy of an offer for sale of the i-  
24 FlashDrive Product Family on the B&H website is attached herewith as **Exhibit C**.

25       18. Unless enjoined by this Court, Defendants will continue to infringe  
26 the ‘866 patent.

27       19. Plaintiff has been, and will continue to be, irreparably harmed by  
28 Defendants’ ongoing infringement of the ‘866 patent.

20. This is an exceptional case under 35 U.S.C. § 285 and Plaintiff should therefore be awarded treble damages pursuant to 35 U.S.C. §284, of any and all damages awarded for Defendants' infringement of the '866 patent.

## COUNT I

**CLAIM FOR PATENT INFRINGEMENT**  
**UNDER 35 U.S.C. § 271 ('866 PATENT)**

21. USB Technologies hereby incorporates by reference the allegations of paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. Defendants have imported, offered to sell and provide, have sold and provided, and continue to offer to sell and provide in the United States and in this District, products and services, namely the GMobi iStick Product Family, that infringe one or more claims of the ‘866 Patent, including, but not limited to, Claim 1.

23. Defendants' infringement of the '866 Patent has been and continues to be willful.

24. Unless enjoined by this Court, Defendants will continue to infringe the ‘866 Patent.

25. As a direct and proximate result of Defendants' infringement of the '866 Patent, USB Technologies has been and will continue to be damaged in an amount yet to be determined, including but not limited to Plaintiff's lost profits and/or reasonable royalties.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendants as follows:

A. For a preliminary injunction to issue against each Defendant, its agents, servants, employees, successors and assigns and all others in concert and privity with it from making, using, offering to sell, selling, or importing into the United States any product infringing on the claims of United States Patent No. 7,809,866;

B. For a permanent injunction to issue against each Defendant, its agents, servants, employees, successors and assigns and all others in concert and privity with

1 it from making, using, offering to sell, selling, or importing into the United States any  
2 product infringing on claims of United States Letters Patent No. 7,809,866;

3 C. An award of damages in an amount to be determined at trial, but not less  
4 than a reasonable royalty and/or Plaintiff's lost profits as a result of each Defendant's  
5 infringing actions;

6 D. A finding that each Defendant's infringement has been willful;

7 E. A trebling, pursuant to 35 U.S.C. § 284, of any and all damages awarded  
8 for each Defendant's infringement of the '866 Patent;

9 F. A finding that this is an exceptional case under 35 U.S.C. § 285;

10 G. An award, pursuant to 35 U.S.C. § 285, of reasonable attorneys' fees;

11 H. An award of interest and costs; and

12 I. For such other and further relief as may be just and equitable.

13 **DEMAND FOR TRIAL BY JURY**

14 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby  
15 demands a jury trial on all issues and causes of action triable to a jury.

16  
17 Respectfully submitted,

18 DATED: June 24, 2015

**COTMAN IP LAW GROUP, PLC**

19 s/ Rasheed M. McWilliams

20 By: \_\_\_\_\_

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